

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18100 OF 2005

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Dated: 05-12-2005

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Between

Vadapalli Rajan Raju, S/o. Sitarama Raju, Occ: Business, R/o.Kurmanapalem,
Visakhapatnam – 46 and others.

...PETITIONERS

AND

The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District
and another.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the second respondent in seeking to evict them from the land in an extent of Ac.0.28 cents, northern part of a total extent of Ac.1.60 cents covered by Zerayathi patta No.1526 in Sy.Nos. 14/1A, 14/2A and 14/1C of Jaggarajupeta village, Gajuwaka Municipality and Mandal, Visakhapatnam District as illegal and arbitrary.

Learned counsel for the petitioners submits that one Smt. Kalluri Sita Kameshwari, W/o. late Subba Rao, was the absolute owner of an extent of Ac.0.28 cents of the aforementioned land.

Petitioners purchased the said land through her GPA. While so, the second respondent started interfering with the possession and enjoyment of the petitioners claiming title to the said land and threatening to dispossess them forcibly without following due process of law.

The second respondent – The Executive Officer, Simhachalam Devasthanam, Simhachalam, filed a counter stating that the Devasthanam is not interfering with the possession and enjoyment of the petitioners and it is not threatening to dispossess the petitioners forcibly. It is further stated that the second respondent filed OA before the Deputy Commissioner of Endowments under Section 83(1) of the Endowments Act 30 of 1987 for eviction of the petitioners, which is pending.

As the proceedings in OA are pending before the Deputy Commissioner on the application filed by the second respondent, the question of evicting the petitioners does not arise and no orders need be passed in this writ petition.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

December 5, 2005

DSK